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July 31, 2023

**BY ECF**

Honorable John P. Cronan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Arellanes Jiminez, et al. v. G&J's Pizzeria LLC, et al.  
Docket No. 20-cv-05454

Your Honor:

We represent Plaintiffs in the above referenced matter. We write to move the Court to compel defendant Gregory Barrios' compliance with post-judgment discovery obligations pursuant to Fed. R. Civ. P. 37(a).

"Federal Rule of Civil Procedure ("FRCP") 69 allows for enforcement of a money judgment, by writ of execution, in accordance with the procedure of the state where the court is located." *Giuliano v N.B. Marble Granite*, 2014 U.S. Dist. LEXIS 85448 at 9 (EDNY June 20, 2014, No. 11-MC-00753 (JG) (VMS)) (citing Fed. R. Civ. P.69(a)(1)). "New York civil procedure allows judgment-creditors to serve 'information subpoenas' to obtain evidence relating to the judgment-debtor's assets and any other 'matters relevant to the satisfaction of the judgment.'" *Benthos Master Fund, Ltd. v Etra*, 2022 US Dist LEXIS 173640 at \*19 (SDNY Sep. 26, 2022, No. 20-CV-3384 (VEC)) (quoting *Giuliano*, 2014 U.S. Dist. LEXIS 85448 at \*3). Accordingly, on June 22, 2023, as part of Plaintiffs' efforts to enforce their judgment against Mr. Barrios, Plaintiffs served Mr. Barrios with an information subpoena (the "Information Subpoena") via certified mail. (A copy of the Information Subpoena and tracking information are collectively annexed hereto as Exhibit A.) Mr. Barrios' responses to the Information Subpoena were due June

29, 2023. *See* N.Y. C.P.L.R. §5224(a)(3)). (“The recipient of an information subpoena is required to respond within seven days.”)

On June 29, 2023, I emailed Mr. Barrios and demanded he provide responses to the Information Subpoena by July 13, 2023.<sup>1</sup> He did not. On July 14, 2023, I placed a phone call to Mr. Barrios regarding the overdue responses; he rushed me off the phone and said he “was busy.” On July 17, 2023, the Court ordered Plaintiffs to move to compel Mr. Barrios by today, July 31, 2023.<sup>2</sup> (Docket No. 62).

To date, Mr. Barrios has not attempted to comply with the Information Subpoena at all. He has demonstrated complete disregard for this Court’s discovery procedures. It is critical to Plaintiffs’ collection efforts that they obtain discovery from Mr. Barrios. As such, and since Mr. Barrios won’t voluntarily comply with Plaintiffs’ Information Subpoena, we respectfully request the Court compel his compliance.

Thank you for your attention.

Respectfully Submitted,

/s/Jesse Barton  
Jesse Barton, Esq.  
CSM Legal, P.C.

Encl.

Cc: Mr. Barrios (**Via Email and Personal Service**)

On July 17, 2023, the Court directed Mr. Barrios to oppose Plaintiffs' motion to compel his compliance with the Information Subpoena by August 14, 2023. That deadline has passed, and the docket does not reflect any opposition from Mr. Barrios. Accordingly, if Mr. Barrios does not file an opposition by August 18, 2023, the Court will grant Plaintiffs' request. In the event that Mr. Barrios fails to respond by August 18, 2023, Plaintiffs shall submit a proposed order in word-version to the Court's email address [CronanNYSDChambers@nysd.uscourts.gov](mailto:CronanNYSDChambers@nysd.uscourts.gov) by August 22, 2023.

SO ORDERED.

August 15, 2023  
New York, New York

  
JOHN P. CRONAN  
United States District Judge

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<sup>1</sup> I have communicated with Mr. Barrios via this email address, and I am confident he received the email at issue.

<sup>2</sup> Plaintiffs served the Court’s Order on Mr. Barrios via his email address per the Court’s instruction.